

CHAPTER 139

PETROLEUM ORDINANCE

ARRANGEMENT OF SECTIONS

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CHAPTER 139

PETROLEUM ORDINANCE

(Ordinance 7 of 1966, Legal Notices 12/1966 and 4/1967)

AN ORDINANCE TO REGULATE THE IMPORTATION, STORAGE AND HANDLING OF PETROLEUM.

Commencement

[1 January 1967]

Short title

1. This Ordinance may be cited as the Petroleum Ordinance.

Interpretation

2. In this Ordinance, unless the context otherwise requires—
“Committee” means a Council Committee²;
“dangerous petroleum” means petroleum having a flash point which is less than seventy-three degrees Fahrenheit as ascertained in the manner set forth in Part (ii) of the Second Schedule to the Petroleum (Consolidation) Act, 1928 U.K.;

² *The Public Works and Service Committee — see LN 4/1967*

“licensed building” means a building in respect of which a licence to store petroleum therein has been granted under the provisions of this Ordinance;

“ordinary petroleum” means petroleum other than dangerous petroleum;

“petroleum” means any kind of mineral oil, and any oil product or by-product made or obtained from petroleum, asphalt, coal, schist, shale, peat or lignite, or made from any petroliferous or bituminous substance:

Provided that the Governor may by order exclude from this definition such products of petroleum as he may deem expedient;³

“prescribed” means prescribed by regulations made by the Governor in Council in accordance with the provisions of section 16 of this Ordinance.

Import and export of petroleum

3. No person shall import or export petroleum except under and in accordance with the provisions of this Ordinance and of any regulations made thereunder:

Provided that petroleum contained on board any vessel or aircraft is properly constructed bunkers and receptacles and used solely as the propelling power of such vessel or aircraft shall not be deemed to have been imported or exported contrary to the provisions of this Ordinance.

Vessels carrying petroleum to comply with Harbour Master’s directions

4. (1) Every vessel carrying a cargo consisting wholly or in part of petroleum and entering or being in the port of Jamestown shall conform to such directions in respect of the place at which it is to be anchored, loaded or discharged as may be issued generally for all such vessels or specially for any such vessel by the Harbour Master.

(2) If any such craft is anchored, loaded or discharged at any place in contravention of any such directions the owner and master of such vessel shall each be guilty of an offence.

Particulars of petroleum to be noticed before landing

5. (1) The consignee of any petroleum on board any vessel arriving in St. Helena shall within six hours of the arrival of such vessel furnish the Harbour Master with the following particulars—

- (a)* the quantity of such petroleum;
- (b)* what quantity, if any, of such petroleum is dangerous petroleum;
- (c)* the brands and marks of such petroleum.

(2) Any person importing into St. Helena any petroleum in contravention of this section shall be guilty of an offence.

³ By L.N. 12/1966 such of the following products which have a flash point higher than 150 degrees Fahrenheit are excluded from the definition—

- bituminous tars;
- lubricating grease and oils;
- medicinal paraffin and other medical preparations derived from petroleum;
- paraffin waxes (including boot and shoe polishes, furniture polish, floor polish, candles);
- petroleum jellies (including vaseline, brilliantine)

Landing of petroleum

6. (1) All petroleum imported into St. Helena shall be landed under the supervision of a Customs Officer and shall, within such time as the Harbour Master may direct, be removed by the importer from the wharf and shall be stored in a licensed building or in a specially licensed tank or in a bulk storage installation approved by the Governor.

(2) Any person contravening the provisions of this section shall be guilty of an offence.

Smoking, etc. prohibited

7. Any person who smokes or has any naked light within thirty feet of any place where petroleum is being landed shall be guilty of an offence.

Licence to store petroleum

8. (1)⁴ The Council Committee may in accordance with the prescribed regulations issue a licence for any building to be used for the storage of petroleum.

(2) The Governor may in his discretion issue a special licence for any tank to be used for the storage of petroleum.

(3) Any person to whom a licence shall be granted under the provisions of subsections (1) and (2) who shall store petroleum otherwise than in accordance with the terms of such licence shall be guilty of an offence.

Storage of petroleum

9. (1) Save as expressly provided in subsection (2) all petroleum shall be stored in a licensed building or in a specially licensed tank.

(2) The provisions of subsection (1) shall not apply to petroleum kept and stored—

- (a) in supply pumps, in accordance with the prescribed regulations;
- (b) in the fuel tank of any internal combustion engine, including motor vehicles;
- (c) in garages and service stations, in accordance with the prescribed regulations;
- (d) in sealed tins or in stoppered bottles or in lamps for private use, where the quantity so kept does not exceed eight imperial gallons of dangerous petroleum or forty-five imperial gallons of ordinary petroleum;
- (e) for sale other than in supply pumps, where the quantity of petroleum kept does not exceed fifty imperial gallons of dangerous petroleum and two hundred and fifty imperial gallons of ordinary petroleum and such petroleum is kept in accordance with the prescribed regulations;
- (f) in drums or tanks for industrial use, where the quantity so kept does not exceed three hundred imperial gallons of ordinary petroleum;
- (g) in any bulk storage installation approved by the Governor and in accordance with the prescribed regulations;
- (h) in receptacles for transport, in accordance with the prescribed regulations;
- (i) in any place approved by the Council Committee which is not less than half a mile from any building.

⁴ Section 8(1) amended by L.N. 4/1967

(3) The owner of any petroleum or any person storing petroleum which is stored otherwise than in accordance with the provisions of this section shall be guilty of an offence.

Licence to deal in or sell petroleum

10. (1) The Council Committee may grant a licence to any person to deal in or sell petroleum in accordance with the prescribed regulations.

(2) Any person—

(a) dealing in or selling petroleum who shall not be the holder of a licence issued under the provisions of subsection (1); or

(b) who, being the holder of a licence issued under the provisions of subsection (1), deals in or sells petroleum otherwise than in accordance with the terms of such licence,

shall be guilty of an offence.

(3) This section shall not apply to any person who deals in or sells petroleum so long as any petroleum kept for sale is kept in separate glass, earthenware or metal vessels, securely stoppered and containing not more than one pint each, and the aggregate amount kept would not if the contents of the vessels were in bulk exceed three imperial gallons.

Inspection of storage places

11. It shall be lawful for any police officer at all reasonable times and without notice to enter any place in which petroleum is kept or stored for the purpose of ascertaining whether the provisions of this Ordinance and the regulations made thereunder are being complied with.

Search

12. (1) A justice of the peace may, on reasonable cause assigned upon oath, issue a warrant under his hand for the searching in the day time any place in which petroleum is suspected to be kept contrary to the provisions of this Ordinance or of any regulations made thereunder.

(2) A sample not exceeding twenty-six fluid ounces of any petroleum or other liquid found in such place may be taken by the person executing the search.

Forfeiture of petroleum

13. The whole or any part of any petroleum kept or stored in contravention of the provisions of this Ordinance or of any regulations made thereunder may be seized by any police officer and upon complaint being made before the Magistrates' Court may be adjudged by such court to be forfeited to the Crown.

Penalty

14. Any person who commits an offence against this Ordinance shall be liable on conviction to a fine not exceeding £200 or to imprisonment for a term not exceeding six months.

Forfeiture of licence

15. If any person to whom a licence has been granted under the provisions of this Ordinance or of any regulations made thereunder shall be convicted of an offence against this Ordinance, such licence shall upon such conviction become void.

Governor in Council may make regulations

- 16.** The Governor in Council may make regulations—
- (a) with respect to the tests to be applied to petroleum to ascertain its flashing point and the methods of applying the same;
 - (b) to regulate the licensing and management of places for storing petroleum;
 - (c) to regulate the discharging and landing of petroleum;
 - (d) to regulate the transport of petroleum;
 - (e) to determine the receptacles in which petroleum may be carried or transported, and the quantity that may be contained in such receptacles;
 - (f) to determine the construction and materials of any place in which petroleum may be stored;
 - (g) to regulate the method by which petroleum may be stored in any place;
 - (h) to determine the materials and appliances to be used for preventing or extinguishing fires;
 - (i) to make provision for the protection of premises adjacent to places licensed for the storage of petroleum;
 - (j) prescribing the forms to be used and the fees to be charged in respect of any licenses issued under the provisions of this Ordinance;
 - (k) prescribing penalties not exceeding a fine of £150 or imprisonment for a period not exceeding six months for any breach of such regulations;
 - (l) generally, for carrying out the provisions of this Ordinance.

Application of Ordinance to inflammable substances other than petroleum

17. (1) The Governor in Council may by order declare that this Ordinance or any part thereof shall apply to such other inflammable liquid or substance as may be specified in such order, subject to any modification specified therein.

(2) Where any order relating to any liquid or substance is in force under this section, the provisions of this Ordinance thereby applied shall have effect as if such liquid or substance were included in the definition of “petroleum” in section 2 of this Ordinance, but subject to such modifications, if any, as may be provided by the order.